

# 2026 SESSION

INTRODUCED

26101164D

1 **SENATE BILL NO. 114**

2 Offered January 14, 2026

3 Prefiled January 5, 2026

4 *A BILL to direct the Department of Medical Assistance Services to submit state plan amendments to the*  
5 *Centers for Medicare and Medicaid Services to seek to modify the program rules for consumer-directed*  
6 *services available through certain Medicaid waivers.*

7 Patron—Durant

8  
9 Referred to Committee on Education and Health

10 **Be it enacted by the General Assembly of Virginia:**

11 *1. § 1. That the Department of Medical Assistance Services (DMAS) shall seek federal authority through the*  
12 *necessary state plan or 1915(c) waiver amendments submitted to the Centers for Medicare and Medicaid*  
13 *Services under Titles XIX and XXI of the Social Security Act to modify the program rules for consumer-*  
14 *directed services available through certain 1915(c) Home and Community-Based Services Medicaid*  
15 *Waivers to allow an individual receiving services to serve as the employer of record (EOR) for his own*  
16 *service delivery and designate another individual to perform all or a portion of the duties of the EOR on the*  
17 *individual's behalf when the individual receiving services is unable to perform such duties or direct his own*  
18 *care. In seeking federal authority to modify such rules, DMAS shall ensure that the employer identification*  
19 *number (EIN) shall be assigned to the individual receiving services and shall not be transferred to another*  
20 *individual except when an individual (i) has not yet reached the age of majority, (ii) is ineligible to use his*  
21 *existing EIN to facilitate the taxation of benefits, or (iii) is otherwise determined to be ineligible by DMAS*  
22 *by administrative rule. DMAS shall have the authority to limit such state plan or 1915(c) waiver*  
23 *amendments to specify that an individual receiving services may make such designation no more than twice*  
24 *per calendar year.*

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